



House of Representatives

General Assembly

File No. 504

February Session, 2018

Substitute House Bill No. 5546

House of Representatives, April 16, 2018

The Committee on Judiciary reported through REP. TONG of the 147th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LARCENY AGAINST A PERSON WITH INTELLECTUAL DISABILITY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-123 of the 2018 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2018*):

4 (a) A person is guilty of larceny in the second degree when he or she
5 commits larceny, as defined in section 53a-119, and: (1) The property
6 consists of a motor vehicle, the value of which exceeds ten thousand
7 dollars, (2) the value of the property or service exceeds ten thousand
8 dollars, (3) the property, regardless of its nature or value, is taken from
9 the person of another, (4) the property is obtained by defrauding a
10 public community, and the value of such property is two thousand
11 dollars or less, (5) the property, regardless of its nature or value, is
12 obtained by embezzlement, false pretenses or false promise and the
13 victim of such larceny is (A) sixty years of age or older, or is a
14 conserved person, as defined in section 45a-644, or is blind or

15 physically disabled, as defined in section 1-1f, or (B) known and
16 intended by the person to be a person with intellectual disability, as
17 defined in section 1-1g, or (6) the property, regardless of its value,
18 consists of wire, cable or other equipment used in the provision of
19 telecommunications service and the taking of such property causes an
20 interruption in the provision of emergency telecommunications
21 service.

22 (b) For purposes of this section, "motor vehicle" means any motor
23 vehicle, construction equipment, agricultural tractor or farm
24 implement or major component part of any of the above. In any
25 prosecution under subdivision (1) of subsection (a) of this section,
26 evidence of (1) forcible entry, (2) forcible removal of ignition, or (3)
27 alteration, mutilation or removal of a vehicle identification number
28 shall be prima facie evidence (A) that the person in control or
29 possession of such motor vehicle knows or should have known that
30 such motor vehicle is stolen, and (B) that such person possesses such
31 motor vehicle with larcenous intent.

32 (c) Larceny in the second degree is a class C felony.

This act shall take effect as follows and shall amend the following sections:		
---	--	--

Section 1	October 1, 2018	53a-123
-----------	-----------------	---------

JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
Judicial Dept. (Probation); Correction, Dept.	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill adds larceny against an intellectually disabled person to larceny in the second degree and results in a potential cost for increased incarceration or probation. On average, the marginal cost to the state for incarcerating an offender for the year is \$1,900¹ while the average marginal cost for supervision in the community is less than \$700² each year.

In FY 17, 947 charges of larceny in the second degree resulted in one violation with a fine of \$5,000. As of January 2018, there are approximately 146 persons incarcerated for this offense and 675 on probation.

The Out Years

¹ Inmate marginal cost is based on increased consumables (e.g. food, clothing, water, sewage, living supplies, etc.) This does not include a change in staffing costs or utility expenses because these would only be realized if a unit or facility opened.

² Probation marginal cost is based on services provided by private providers and only includes costs that increase with each additional participant. This does not include a cost for additional supervision by a probation officer unless a new offense is anticipated to result in enough additional offenders to require additional probation officers.

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**sHB 5546*****AN ACT CONCERNING LARCENY AGAINST A PERSON WITH INTELLECTUAL DISABILITY.*****SUMMARY**

This bill enhances the penalty when a person commits larceny and knows and intends for the victim to be a person with intellectual disability. It does so by making such an offense 2nd degree larceny which is a class C felony punishable by one to 10 years in prison, up to a \$10,000 fine, or both.

Under current law, an offender is guilty of 2nd degree larceny when, among other things, he or she commits larceny (see BACKGROUND) and the property, regardless of its nature or value is obtained by embezzlement, false pretenses, or false promise and the victim of such larceny is at least age 60 or is blind or physically disabled. The bill expands this to include larceny against victims the offender knows and intends to be intellectually disabled. (Presumably "intent" under the bill means the perpetrator targeted a person he knows is intellectually disabled.)

Under the bill, "intellectual disability" means a significant limitation in intellectual functioning that exists concurrently with deficits in adaptive behavior that originated during the developmental period before age 18.

By law, "significant limitation in intellectual functioning" means an intelligence quotient more than two standard deviations below the mean and "adaptive behavior" means the effectiveness or degree with which an individual meets the standards of personal independence and social responsibility expected for the individual's age and cultural group (CGS § 1-1g).

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Larceny

By law, a person commits larceny when, with intent to deprive someone else of property or to appropriate it to himself or herself or a third person, the person wrongfully takes, obtains, or withholds the property from the owner (CGS § 53a-119). The penalty for larceny ranges from a class C misdemeanor to a class B felony, depending on certain factors, such as the nature or value of the property and the status of the victim (CGS § 53a-122, et seq.).

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 37 Nay 0 (04/02/2018)